

E. Evans Wohlforth, Jr.
Julia E. Palermo
GIBBONS P.C.
One Gateway Center
Tel: 973-596-4879
Newark, NJ 07102-5310
ewohlforth@gibbonslaw.com
jpalermo@gibbonslaw.com

David Elsberg (*admitted pro hac vice*)
Andrew R. Dunlap (*admitted pro hac vice*)
Meredith Nelson (*admitted pro hac vice*)
SELENDY GAY ELSBERG PLLC
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000
delsberg@selendygay.com
adunlap@selendygay.com
mnelson@selendygay.com

Attorneys for Defendant Save On SP, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON HEALTH CARE
SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC,

Defendant.

Case No. 2:22-cv-02632-JMV-CLW

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that on September 6, 2022, or on a date and time to be set by the Court, Defendant Save On SP, LLC by and through its counsel, Gibbons P.C., shall move before the Honorable John Michael Vazquez of the United States District Court for the District of New Jersey, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New

Jersey 07102, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff Johnson & Johnson Heath Care Systems, Inc.'s claims against it.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Save On SP, LLC will rely upon the accompanying Memorandum of Law, Certification of E. Evans Wohlforth, Jr., Esq. and exhibits, and all other pleadings and memoranda on file in this matter.

PLEASE TAKE FURTHER NOTICE that no trial is presently scheduled in this matter.

PLEASE TAKE FURTHER NOTICE that oral argument is requested if the motion is opposed.

Dated: Newark, New Jersey
July 15, 2022

Respectfully submitted,

By: /s/ E. Evans Wohlforth, Jr.

E. Evans Wohlforth, Jr.
Julia E. Palermo
GIBBONS P.C.
One Gateway Center
Tel: 973-596-4879
Newark, NJ 07102-5310
ewohlforth@gibbonslaw.com
jpalermo@gibbonslaw.com

David Elsberg (*admitted pro hac vice*)
Andrew R. Dunlap (*admitted pro hac vice*)
Meredith Nelson (*admitted pro hac vice*)
SELENDY GAY ELSBERG PLLC
1290 Avenue of the Americas
New York, NY 10104
Tel: 212-390-9000
delsberg@selendygay.com
adunlap@selendygay.com
mnelson@selendygay.com

Attorneys for Defendant Save On SP, LLC